



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**JOHN BEN SHEPPERD  
ATTORNEY GENERAL**

January 21, 1953

Hon. K. Lanse Turner  
Director  
Cotton Research Committee  
of Texas  
Box 4190, Tech Station  
Lubbock, Texas

Letter Opinion No. MS-01

Re: Legality of the Cotton Research Committee of Texas using donated private funds to supplement the travel allowance of employees of the committee.

Dear Sir:

Your request for an opinion concerns the donation of the R. T. Hover Company of \$1000 to the Cotton Research Committee of Texas to supplement travel expenses of members of the Committee. You state that:

"This donation has been deposited in a special account in the State Treasury in accordance with Section 5, Article V, House Bill No. 426, Fifty-second Legislature, 1951, in contemplation that the funds might be used in accordance with the expressed desires of the grantor. The State Comptroller of Public Accounts has questioned the legality of payment of travel expenses in excess of the per diem allowance for meals and lodging as specified in Section 35 of Article V of House Bill No. 426, Fifty-second Legislature, from funds deposited in the State Treasury regardless of the source."

Pertinent provisions of Section 2 of Article 165-4a, V.C.S., provides as follows:

" . . . grants and gifts from the United States or private sources may be accepted for such purposes, and shall be subject only to limitations contained in such grants or gifts."  
(Emphasis ours.)

House Bill 426, Acts 52nd Leg. (1951) ch. 499, p. 1228 (General Appropriation Bill) contains the following provisions at page 1465:

"All funds which may come into the hands of the Cotton Research Committee, for any purpose

and from any source, shall be deposited in the State Treasury in a special account and are hereby appropriated to the specific purpose or purposes authorized by the grantor, and may be withdrawn from the State Treasury subject to the limitations provided in this Act; provided also that where any grant exceeds the total cost of the specific project for which it was received, such excess may be returned to the grantor."

Section 2 of Article 165-4a, V.C.S., authorizes the Cotton Research Committee to accept grants and gifts. It specifically states that the money so received shall be "subject only to the limitations contained in such grants and gifts." The gift referred to in your request is for the specific purpose of "supplementing travel expenses of employees of the Cotton Research Committee of Texas when traveling on official business for the Committee."

It was held in Attorney General's Opinion V-1476 (1952) that the salary of the Comptroller of the University of Texas could be supplemented by the Board of Regents from funds derived through gifts and bequests provided these funds were not restricted by the donor for a particular purpose other than salaries. The considerations discussed in Opinion No. V-1476 have equal applicability to the problem under consideration.

You are therefore advised that the Cotton Research Committee of Texas may use donated funds to supplement traveling expenses of the employees of the Committee in keeping with the specific desires of the donor.

Yours very truly,

JOHN BEN SHEPPERD  
Attorney General

By  
John Reeves  
Assistant

JR:am:wb